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Decision 97-05-052 May 21, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
 Rajen-Chovatia, dba Air - Transit)
 Shuttle for a certificate of public)
 convenience and necessity to operate)
 as an "on-call" passenger stage)
 corporation between points in Alameda,)
 Contra Costa, Marin, San Francisco,)
 San Mateo, Santa Clara, Solano and)
 Sonoma Counties and vice versa to and)
 from airports, door to door service.)

ORIGINALApplication 97-01-046
(Filed January 31, 1997)O P I N I O N

Rajen Chovatia (applicant), an individual, requests authority pursuant to Public Utilities Code § 1031, et seq., to establish and operate as a passenger stage corporation to transport passengers and their baggage between points in the Counties of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties, on the one hand, and Oakland International Airport (OAK), on the other hand.

Applicant is authorized to operate as a charter-party carrier under his TCP-10858-P. The equipment for the proposed service is one seven-passenger van.

Applicant, in his letter of February 14, 1997, requested that his service area be reduced. Applicant proposes to serve only between the cities of Fremont, Union City, Hayward, San Lorenzo, San Leandro, Alameda, and Oakland, on the one hand, and OAK, on the other hand. The proposed fares are shown in Exhibit C, attached to the application. The fares are reasonable. The personal Balance Sheet, attached to the application, labelled as Exhibit E, indicates total assets of \$104,582, total liabilities in the amount of \$56,194 and net worth in the amount of \$48,388.

Notice of filing of the application, as amended, appeared in the Commission's Daily Calendar of February 4, 1997. No protest has

been received. The applicant notified the affected cities and governmental entities. The Rail Safety and Carriers Division recommends that the application be granted.

Findings of Fact

1. Applicant requests authority to establish and operate as a passenger stage corporation an on-call service to transport passengers and their baggage between the cities of Fremont, Union City, Hayward, San Lorenzo, San Leandro, Alameda, and Oakland, on the one hand, and OAK, on the other hand.

2. Public convenience and necessity require the issuance of a certificate to perform the proposed service.

3. No protests to the application have been filed.

4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. A public hearing is not necessary.

2. Public convenience and necessity have been demonstrated and the application should be granted.

3. Since there is no formal objection filed with the Commission to the application, this decision should be effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Rajen Chovatia (applicant), an individual, authorizing him to operate as a passenger stage corporation, as defined in Public Utilities (PU) Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-10858 subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in the tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 101, 104, and 158 and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to PU Code § 1032.1 and General Order Series 158.
- f. Maintain accounting records in conformity with the Uniform System of Accounts.
- g. Remit to the Commission the Transportation Reimbursement Fee required by PU § 403 when notified by mail to do so.
- h. Comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

3. Before beginning service to any airport, applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

4. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that his evidence of insurance is on file with the Commission and that the CHP has approved the use of applicant's vehicles for service.

5. The application is granted as set forth above.
6. This application is closed.

This order is effective today.

Dated May 21, 1997, at Sacramento, California.

P. GREGORY CONLON
President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

T/MM *

Appendix PSC-10858

Rajen Chovatia
(an individual)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-10858

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges.

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Issued under authority of Decision 97-05-052,
dated May 21, 1997, of the Public Utilities Commission of
the State of California in Application 97-01-046.

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Issued by California Public Utilities Commission.

Decision 97-05-052, Application 97-01-046.

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.

Rajen Chovatia, an individual, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between points and places as described in Section II, and Oakland International Airport (OAK), over and along the route described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When route description is given in one direction, they apply to operation in either direction unless otherwise indicated.
- b. The term "on-call", as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized on-call service will be rendered.
- c. No passengers shall be transported except those having a point of origin or destination at OAK.
- d. This certificate does not authorize the holder to conduct any operation on the property of or into any airport unless such operation is authorized by the airport authority involved.

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SECTION II. SERVICE AREA.

The following cities located in the County of Alameda:

Fremont Union City
San Leandro

Hayward
Alameda

San Lorenzo
Oakland

SECTION III. ROUTE DESCRIPTION.

Commencing from any point as described in Section II, then over the most convenient streets, expressways, and highways to OAK.

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